

Indigenous Peoples And Biodiversity Governance

The Hurdled Recommendations¹ for Donor Best Practice

The underlying concerns –

- Indigenous Peoples are marginalized and impoverished.
- Their lands and waters harbor endangered reservoirs of Earth's biodiversity.
- Cultural and biological diversity are both being diminished by inappropriate development and poor governance.
- Efforts to reverse negative trends can succeed if there is a coordinated donor effort to: (a) actively apply best practices that strengthen Indigenous Peoples' participation in civil society; (b) nurture more positive partnerships between governments and Indigenous Peoples; and (c) encourage the private sector to respect human rights and biodiversity.

Recommendations for Donor Best Practice:

Recognizing that there is great diversity among donors and among Indigenous Peoples, these general recommendations can serve as the basis for dialogue to develop best practices in particular circumstances.

Nine Key Principles – the Foundation of Best Practice

- Have a written policy. Enforce safeguards – do no harm.
- Have direct contact and relationships with IPs.
- Base relationships on respect, mutual learning, and reciprocal accountability.
- Empower and effectively engage indigenous social and political structures.
- Stay the course. Long-term relationships are key to success.
- Be transparent.
- Support IPs in efforts to address core social issues that affect all citizens.
- Raise the priority of indigenous rights and environmental concerns among other competing priorities during all bilateral and multilateral negotiations.
- Value donor coordination and work together on these issues.

Best Practice in Policy

Donors demonstrate leadership amongst nations and toward the private sector. They lead by supporting policies that create political space and enabling conditions for Indigenous Peoples to exercise full benefits of citizenship and participate in civil society as a collective group co-existing within the larger nation state and international society.

- Strengthen internal policies on Indigenous Peoples. Periodically review them. Such policies are valuable tools for reforming project design and implementation. Donors would be in a stronger position to coordinate dialogues with governments if more donors had Indigenous Peoples policies.
- Recognize and address unforeseen negative impacts from projects. Don't abandon the area and its people to struggle to adapt to negative impacts alone.
- Respect and support indigenous decision-making structures. Value the diversity of locally-adapted institutions.
- Respect lessons learned from IPs. Adapt policies to reflect lessons learned.
- Keep ILO 169 and IPs' rights high on the agenda at all international events and negotiations.

- Encourage high level government dialogues on IPs' rights.
- Use CBD (Articles 8J, 10 C), ILO 169, UN Universal Declaration of Human Rights, Agenda 21, and other relevant international instruments and treaties as standards when negotiating with governments, including Trade issues as well as loan and project assistance. Use a human rights screen on all projects, loans, and other bilateral and multilateral negotiations. Support public and donor staff awareness of the treaties and their application.
- Enhance staff understanding and capacity in embassies and donor offices so that IP policies are applied in practice and in negotiations. Provide funding and career incentives for informal networks of concerned staff in headquarters and field offices to create synergies, learn, and share insights and concerns with all staff.
- Leverage private sector change by linking funding to government's agreements to use ILO 169 as a code of conduct for private companies operating within their borders.
- Encourage private sector commitment through codes of conduct, certification processes, etc. Create a budget line for direct interaction with IPs, eliminate locked timeframes, and hire adequate staff resources to reach out and work directly with IPs.
- Establish mechanisms for consulting with IPs and facilitate roundtables for IPs to meet with private companies and government, prior to granting loans or other support to private sector to extract oil, minerals or other resources from indigenous lands and waters.
- Under repressive governments, facilitate informal dialogues between IPs and governments to open channels for communication and positive progress.
- Develop special mechanisms for seeking and responding to needs expressed by IPs, because they are often the most marginalized members of civil society.
- Create Consultative Groups on IPs or other donor coordination mechanisms at regional and national levels.

Best Practice in Projects and Programmes

Donors demonstrate leadership by implementing projects that adhere to standards set by donor policies, human rights law and international agreements, and respond to Indigenous Peoples' needs, strengths, and interests.

- Support self-determined projects to support autonomy and capacity strengthening to reach IPs' goals. Recognize, value and support IPs' plans and strengths during project design. Develop and use MOU templates that define roles.
- Support efforts to legally recognize IPs' collective rights to lands, waters, and resources.
- Develop guidelines and mechanisms for informed consent.
- Assist countries to develop legislation and effective mechanisms for protected areas co-management or direct management by IPs.
- Adapt to the fact that Indigenous Peoples' organizations are not NGOs. They need holistic strengthening, not sectoral approaches to education, health, and environment.
- Move from showcasing special IPs' projects to mainstreaming IPs' concerns into portfolios.
- Use grant technical assistance during project preparation for loans in order to lay the groundwork that influences governments' projects implemented with loans.
- Seek creative options for direct funding. Find creative solutions to the problem that IPs cannot register as organizations in many countries where projects are demand driven by governments that repress IPs' interests.
- Review IPs' concern that NGO intermediaries are not accountable to IPs. Insist on mechanisms of accountability and respond to the problems that are revealed.
- Don't support projects with negative impacts. Encourage governments to respect the same precautionary principle.
- Learn how to effectively use IPs' political structures so that cultures are not eroded as they adapt to development.
- Provide long-term funding and other non-financial support.
- Support reciprocal accountability. Involve IPs in evaluations, and use benchmarks and indicators they select.
- Develop positive criteria for good project management and goals through dialogue with IPs.
- Create grantmaking and project processes that fit IPs' needs and strengths. Simplify processes. Avoid imposing onerous reporting requirements. Accept alternative reporting mechanisms, such as videos, and photographs with tape recorded oral messages. Deadlines and inflexible time frames don't fit indigenous culture. Develop alternative frameworks that enable IPs to achieve their goals.
- Recognize that language can be a major impediment to good communication and invest in translation.
- Be transparent about investments' size and distribution of funds. Disseminate the information in local language.
- Accept and value lessons learned by working together.
- Support traditional stewardship and its adaptation to changing conditions. Support existing, unwritten IPs' plans and strategies for resource management.
- Avoid creating or supporting new organizations that conflict with existing indigenous authorities.
- Do intensive case studies of projects that have affected IPs to find best practices and learn from failures.
- Find ways to level power differences in multi-stakeholder committees that oversee projects.

Best Practice in Non-Project Assistance

Indigenous nations are not NGOs; they require different sorts of strengthening. Donors can support innovative forms of assistance that respond to the expressed needs of Indigenous Peoples so they may be fully informed and capable of strategic decision-making, policy dialogue, project implementation, and otherwise participate in civil society at local, national and international levels.

Build skills & knowledge:

- Increase technical capacity amongst IPs. Support university scholarships for training teachers and other professionals.
- Support the way people organize themselves, beyond NGOs.
- Invest in IPs' leadership, systems, and human resources development.
- Fund culturally supportive education in local languages.
- Strengthen IPs' networks' capacities and opportunities to build relationships with donors.
- Build the foundation for informed consent and participation. Raise public awareness of indigenous issues. Build indigenous awareness of their rights and responsibilities as citizens.
- Strengthen broad public awareness of international conventions that their government has signed, and their obligations under those agreements. Provide training in human rights laws and standards, followed by assemblies in every indigenous village to discuss the implications.

Invest for the long-term:

- Support creative financing mechanisms for IPs, such as trust funds under IPs' control.
- Fund core costs for IPs' organizations and train them in sustainability mechanisms. Don't only fund activities.
- Develop alternative ways to access credit. Nurture indigenous saving societies and credit unions to build financial independence without risking lands as collateral.

Create new mechanisms for strengthening Indigenous Peoples:

- Involve Indigenous Peoples in strategic planning, national assessments, and reconstruction efforts where public involvement is key. Assist Indigenous Peoples to join other civil society associations to assess national and local governance. Involve Indigenous Peoples as key players in negotiation and implementation of Peace Accords.
- Build IPs' capacity to effectively use donors. Disseminate information about donor processes, policies, interests and concerns. Enhance channels for IPs to access donors.
- Use partnerships between private foundations and bilateral/multilateral donors to overcome internal bureaucratic barriers to creative options.
- Nurture effective conflict resolution mechanisms at local and national levels.
- Research and develop culturally appropriate ways to encourage IPs to address gender and equity concerns.

Support communication and networking:

- Support networking and opportunities for IPs to share lessons and ideas within and between regions.
- Support translation of information into local languages, written, by radio or traveling theatre.
- Create networks of IPs living with protected areas, to share experiences and approaches.
- Develop regular channels of communication between IPs and donors. Talk on a frequent and regular basis.

For society to advance, there needs to be improvement in intercultural relations between indigenous and non-indigenous. We are seeking tolerance, solidarity, justice, dignity and good environment.

– Marcial Fabricano Noe, CIDOB, Bolivia

We want to improve the relationship between society and nature. IPs are central partners in the quest to address the imbalance in social relations.

– Joji Cariño, Tebtebba, Philippines

Donor requirements are like a tower without a staircase. The challenge is for donors and support groups to work with IPs to build a staircase.

– Pavel Sulyandziga, RAIPON, Russia

We don't only need donor funding but we need donors' help to influence government policy, to help IPs indirectly. If donors understand IPs' needs and situation, they can help.

– Prasert Trakansuphakon, IMPECT, Thailand

People living in rural areas don't understand what policy is. We need to help them understand so they can shape and use it.

– Joram /Useb, WIMSA, Namibia

What happens to us, happens to you.

– Alexandra McGregor, Assembly of First Nations, Canada

There is order in nature. Conservation organizations need to learn from IPs, how they have interacted with nature. Humans are being seen as instruments. That is a mistake.

– Benedict Ole Nangoro, CORDS, Kenya

1 These "best practice" recommendations emerged from a Roundtable & Workshop, held in Hundested, Denmark, 7-9th March 2001, where representatives of multilateral, bilateral and private donors exchanged insights and experiences with indigenous participants from Asia, Europe, the Americas, Africa and the Arctic. The workshop was co-sponsored by the Biodiversity Support Program, Forest Peoples' Programme, International Work Group on Indigenous Affairs, The Alliance of Indigenous-Tribal Peoples of the Tropical Forests, and World Wide Fund for Nature-Denmark. The Roundtable was funded by the United States Agency for International Development (USAID), but the perspectives expressed herein do not necessarily represent the views of USAI.